

TITLE 15

BUILDINGS AND CONSTRUCTION

Title 15

BUILDINGS AND CONSTRUCTION

Chapters:

15.04	Building Permits
15.24	Dangerous Buildings
15.30	Mobile Home Restrictions

Chapter 15.04

BUILDING PERMIT

Sections:

15.04.010	Compliance with chapter and zoning title required.
15.04.020	Definitions.
15.04.030	Building permit required.
15.04.040	Building permit application fees.
15.04.050	Building permit issuance and posting.
15.04.060	Ownership of permit card - Removal.
15.04.070	Time limit for construction, repair.
15.04.080	Repealed.
15.04.090	Penalty for violations.
15.04.100	Severability.

15.04.010 Compliance with chapter and zoning title required. No building or premises shall be erected or used except in conformation with the regulations prescribed in Title 16, Zoning, for the use, height, and area in which such buildings or premises are located, and in conformity with the provisions of this chapter. (Ord. 419 S1, 1954).

15.04.020 Definitions. "Construction of buildings" includes the erection, construction, remodeling, alteration, or renovation of any house or building, if the outside perimeter of such is changed in size or shape, and regardless of the cost of such improvement; and shall also include the removal of an existing house or building or portion thereof to a new location. The location of any portable or temporary structure, or housecar or house trailer, whether on wheels, skids, or foundation, shall also be included in the term "construction of buildings." (Ord. 419 S2, 1954).

15.04.030 Building permit required. No person, firm or corporation may construct any house or building as herein defined, without first filing an application for a building permit on a form furnished by the clerk-treasurer, and every such applicant shall furnish all information requested on such form, together with fees specified in Section 15.04.040. The board of public works and safety, or its delegated representatives, shall endorse thereon its recommendation for allowance or disallowance. (Ord. 419 S3, 1954).

15.04.040 Building permit application fees. Each application for a building permit, pursuant to this chapter and the city building requirements, shall be accompanied by a fee as follows:

- (1) Industrial construction: \$.01 per square foot - minimum \$50.00 and maximum of \$500.00;
- (2) Commercial construction: \$.01 per square foot - minimum \$50.00 and maximum of \$500.00;
- (3) Apartment construction (more than two-family): \$20.00 per unit;
- (4) Residential construction (two-family or less): 0 - 1500 square feet, \$25.00; 1501-plus square feet, \$40.00. (Ord. 1035 S1, 1981; Ord. 419 S4, 1954).

15.04.050 Building permit issuance and posting. If the board of public works and safety or its delegated representative is satisfied that the work described in the application conforms to the requirements of this chapter and other pertinent laws and ordinances, such board shall authorize the clerk-treasurer to issue a building permit and a permit card therefor to the applicant. Such permit card when issued shall be displayed by the applicant in or on the structure or place of construction in a prominent place easily seen. (Ord. 419 S5, 1954).

15.04.060 Ownership of permit card - Removal. Such permit card when issued shall be the property of the city of Jasper and shall be loaned to the applicant for the duration of such construction as herein defined, and the delegated representative of the board of public works and safety shall have the right and authority to enter upon such property for the purpose of inspecting such construction, and upon finding, by said representative, a violation of this chapter or other pertinent laws or ordinances, he shall remove such permit card and the owner, contractor, or subcontractor shall not resume such construction until the item or items of noncompliance have been eliminated or corrected and the permit card reissued and displayed. (Ord. 419 S6, 1954).

15.04.070 Time limit for construction, repair. Any applicant who receives a building permit and who does not start the repair or construction he or she proposes to do within ninety days from the date of issuance of a building permit or who does not complete the repair or construction within one year from the date of issuance of said permit, shall apply for a new building permit before proceeding with such construction or repair. (Ord. 417 S7, 1954).

15.04.080 Repealed.

15.04.090 Penalty for violations. Any person who shall violate any provisions of this chapter or who shall fail to comply with any of the requirements thereof, shall upon conviction be fined in any sum not less than twenty-five dollars and not more than three hundred dollars and each day such violation shall be permitted to exist shall constitute a separate offense. (Ord. 419 S9, 1954).

15.04.100 Severability. The provisions of this chapter are declared to be severable and if any section, sentence, clause or phrase of this chapter shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this chapter, but they shall remain in effect, it being the legislative intent that this chapter shall stand notwithstanding the invalidity of any part. (Ord. 419 S11, 1954).

Chapter 15.24

DANGEROUS BUILDINGS

Sections:

15.24.010	Dangerous buildings - Defined.
15.24.020	Standards for repair, vacation or demolition.
15.24.030	Dangerous buildings - Nuisances.
15.24.040	Duties of Building Commissioner.
15.24.050	Duties of Mayor.
15.24.060	Violations - Penalty for disregarding notices.
15.24.070	Duties of City Attorney.
15.24.080	Emergency cases.
15.24.090	Where owner absent from city.
15.24.100	Administrative liability.
15.24.110	Duties of Fire and Police Department.
15.24.120	Delegation of duties of Police and Fire Department.

15.24.010 Dangerous buildings - Defined. All buildings or structures which have any or all of the following defects shall be deemed "dangerous buildings":

- (1) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;
- (2) Those which, exclusive of the foundation, show thirty-three percent or more of damage or deterioration of the nonsupporting enclosing or outside walls or covering;
- (3) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;
- (4) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city of Jasper;
- (5) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety, or general welfare of those living therein;

- (6) Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein;
- (7) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication;
- (8) Those which have parts thereof which are so attached that they may fall and injure members of the public or property;
- (9) Those which because of their condition are unsafe, insanitary, or dangerous to the health, morals, safety or general welfare of the people of this city;
- (10) Those buildings existing in violation of any provision of the building code of this city, or any provision of the fire prevention code or other ordinances of this city;
- (11) Those where the condition of the walls, floors, or roof is such that the building is likely to fall on account thereof, thereby endangering the safety of its occupants or of the public;
- (12) Those which because of their condition or because of lack of doors or windows are available to and are frequented by malefactors or disorderly persons who are not lawful occupants of such structures. (Ord. 733 S1, 1973).

15.24.020 Standards for repair, vacation or demolition. The following standards shall be followed in substance by the Building Commissioner in ordering repair, vacation, or demolition:

- (1) In any case where a "dangerous building" is fifty percent damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter it shall be demolished. In all cases where a "dangerous building" is a fire hazard existing or erected in violation of the terms of this chapter or any ordinance of the city or statute of the state of Indiana, it shall be demolished;
- (2) All proceedings and actions herein shall be as prescribed by the Burns Annotated Indiana Statutes, Volume 9, part 3, Section 48-6144. (Ord. 733 S 2, 1973).

15.24.030 Dangerous buildings - Nuisances. All "dangerous buildings" within the terms of Section 15.24.010 are declared to be public nuisances, and shall be repaired, vacated, or demolished as hereinbefore and hereinafter provided. (Ord. 733 S 3, 1973).

15.24.040 Duties of Building Commissioner. The Building Commissioner shall:

- (1) Repealed by Ordinance 1274;
- (2) Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or a structure is or may be existing in violation of this chapter;
- (3) Inspect any building, wall or structure reported (as hereinafter provided for) by the fire or police department of his city as probably existing in violation of the terms of this chapter;
- (4) Notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in the building as shown by the land records of the recorder of deeds of Dubois County, Indiana, of any building found by him to be a "dangerous building" within the standards set forth in Section 15.24.010, that: (A) the owner must vacate, or repair, or demolish the building in accordance with the terms of the notice and this chapter; (B) the occupant or lessee must vacate the building or may have it repaired in accordance with the notice and remain in possession; (C) the mortgagee, agent or other persons having an interest in the building as shown by the land records of the recorder of deeds of Dubois County, may at his own risk repair, vacate, or demolish the building or have such work or act done; provided, that any person notified under this subsection to repair, vacate, or demolish any building shall be given such reasonable time, not exceeding thirty days, as may be necessary to do, or have done, the work or act required by the notice provided for herein;
- (5) Set forth in the notice provided for in subsection (4) hereof, a description of the building, or structure deemed unsafe, a statement of the particulars which make the building or structure a "dangerous building" and an order required same to be put in such condition as to comply with the terms of this chapter within such length of time, not exceeding thirty days, as is reasonable;
- (6) Report to the Mayor any noncompliance with the "notice" provided for in subsections (4) and (5) hereof;

- (7) Appear at all hearings conducted by the mayor and testify as to the condition of "dangerous buildings";
- (8) Place a notice on all "dangerous buildings" reading as follows: "This building has been found to be a dangerous building by the Building Commissioner. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Dubois County, Indiana. It is unlawful to remove this notice until such notice is complied with";
- (9) To direct the chief of the fire department, and the chief of the fire department thereupon shall have the authority to tear down or remove any defective or dangerous wall, flue or structure, or any building, structure or part thereof, which may be or has been damaged by fire, or otherwise, whenever such dangerous wall, flue, buildings or structure, presents an emergency condition that endangers life or property. (Ord. 1274 S 1, 1986; Ord. 733 SS 4, 1973).

15.24.050 Duties of Mayor. The Mayor shall:

- (1) Upon receipt of a report of the Building Commissioner as provided for in Section 15.24.040 (6) hereof, given written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in the building as shown by the land records of the recorder of deeds of Dubois County, Indiana, to appear before him on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the Building Commissioner's notice provided for herein in Section 15.24.040 (5);
- (2) Hold a hearing and hear such testimony as the Building Commissioner or the owner, occupant, mortgagee, lessee or any other person having an interest in the building as shown by the land records of the recorder of deeds of Dubois County, Indiana, shall offer relative to the "dangerous building";
- (3) Make written report of findings of fact from the testimony offered pursuant to subsection (2) as to whether or not the building in question is a "dangerous building" within the terms of Section 15.24.010;

- (4) Issue an order based upon findings of fact made pursuant to subsection (3) commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in the building to repair, vacate, or demolish the building found to be a dangerous building within the terms of this chapter and provided that any person notified, except the owners, shall have the privilege of either vacating or repairing the dangerous building; or any person not the owner of the dangerous building but having an interest in the building may demolish the dangerous building at his own risk to prevent the acquiring of a lien against the land upon which the dangerous building stands by the city as provided in subsection (5) hereof;
- (5) If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in subsection (4) hereof, within ten days, the mayor shall cause such building or structure to be repaired, vacated, or demolished as the facts may warrant, under the standards hereinbefore provided, and shall with the assistance of the city attorney cause the cost of such repair, vacation or demolition to be charged against the land on which the buildings existed as a municipal lien or cause such costs to be added to the tax duplicate as an assessment, or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in a suit at law against the owner; provided, that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, morals, safety, or general welfare of the people of this city, the mayor shall notify the city attorney to take legal action to force the owner to make all necessary repairs or demolish the building;
- (6) Report to the city attorney the names of all persons not complying with the order provided for in Section 15.24.040 (4). (Ord. 733 S 5, 1973).

15.24.060 Violations - Penalty for disregarding notices or orders. The owner of any dangerous building who fails to comply with any notice or order to repair, vacate, or demolish the building given by any person authorized by this chapter to give such notice or order shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding two hundred dollars for each offense and a further sum of ten dollars for each and every day such failure to comply continues beyond the date fixed for compliance.

The occupant or lessee who fails to comply with any notice to vacate and who fails to repair the building in accordance with any notice or order given as provided shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not exceeding two hundred dollars for each offense and a further sum of ten dollars

for each and every day such failure to comply continues beyond the date fixed for compliance.

Any person removing the notice provided for in Section 15.24.040 (9) shall be guilty of a misdemeanor and upon conviction shall be fined an amount not exceeding two hundred dollars for each offense. (Ord. 733 S 6, 1973).

15.24.070 Duties of City Attorney. The city attorney shall:

- (1) Prosecute all persons failing to comply with the terms of the notices provided for herein in Section 15.24.040 (5) and (6), and the order provided for in Section 15.24.050 (4);
- (2) Appear at all hearings before the mayor in regard to dangerous buildings;
- (3) Bring suit to collect all municipal liens, assessments, or costs incurred by the mayor in repairing or causing to be vacated or demolished dangerous buildings;
- (4) Take such other legal action as is necessary to carry out the terms and provisions of this chapter. (Ord. 733 S 7, 1973).

15.24.080 Emergency cases. In cases where it reasonably appears that there is immediate danger to life or safety of any person unless a dangerous building as defined herein is immediately repaired, vacated, or demolished, the building commissioner shall report such facts to the Mayor and the Mayor shall cause the immediate repair, vacation, or demolition of such dangerous building. The costs of such emergency repair, vacation, or demolition of such dangerous building shall be collected in the same manner as provided in Section 15.24.050 (5). (Ord. 733 S 8, 1973).

15.24.090 Where owner absent from City. In cases, except emergency cases, where the owner, occupant, lessee, or mortgagee is absent from the city all notices or orders provided for herein shall be sent by registered mail to the owner, occupant, lessee, or mortgagee and all other persons having an interest in the building to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates. Such mailing and posting shall be deemed adequate service. The Mayor may direct that service or the notices and order provided for herein be in the same manner as summonses are served in civil matters in city courts and other courts of the state of Indiana. (Ord. 733 S 9, 1973).

15.24.100 Administrative liability. No officer, agent, or employee of the City of Jasper shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or

employee of the City of Jasper as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the City Attorney until the final determination of the proceedings therein. (Ord. 733 S 10, 1973).

15.24.110 Duties of Fire and Police Department. The employees of the Fire and Police Departments shall make a report in writing to the Building Commissioner of all buildings or structures which are, may be, or are suspected to be dangerous buildings within the terms of this chapter. Such reports must be delivered to the Building Commissioner within twenty-four hours of the discovery of such buildings by any employee of the Fire or Police Departments. (Ord. 733 S11, 1973).

15.24.120 Delegation of duties of Police and Fire Department. The Building Commissioner may, upon approval of the mayor, direct the inspections provided for by the Building Commissioner to be performed by a member of either the Police or Fire Department of the City. (Ord. 733 S 12, 1973).

Chapter 15.30

MOBILE HOME RESTRICTIONS

Sections:

15.30.010 Mobile homes - Prohibited where.

15.30.020 Mobile home - Defined.

15.30.030 Violation - Penalty.

15.30.010 Mobile homes - Prohibited where. No person shall park or occupy any mobile home on premises in any district outside an approved mobile home park as designated by the zoning ordinances and subdivision control ordinance of the City of Jasper. (Ord. 972, S2, 1979)

15.30.020 Mobile home - Defined. For purpose of this chapter, "mobile home" shall be defined as any vehicle or structure constructed in such manner as to permit occupancy thereof for use as sleeping and eating quarters or for the conduct of any business, trade or occupation; use as a selling or advertising device; or for storage or conveyance of tools, equipment or machinery; and so designed that it is or may be propelled by motor power other than its own. The term "mobile home" shall include automobile trailer, trailer coach and trailer. (Ord. 972, S1, 1979)

15.30.030 Violation - Penalty. Any person who violates this chapter shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars and not more than five hundred dollars, and each day's violation shall constitute a separate offense. (Ord. 972, S3, 1979)